

# EXHIBIT F



November 21, 2022

MATTHEW GARRETT

[REDACTED]  
Bakersfield, California [REDACTED]

Re: Notice to Correct Deficiencies - Unprofessional Conduct  
(Education Code Sections 87732 and 87734)

Dear Dr. Garrett:

Pursuant to Education Code section 87734, this letter constitutes notice to correct your performance deficiencies involving unprofessional conduct. This statute requires that the Kern Community College District provide an employee with such notice at least 90 days prior to initiating formal disciplinary proceedings for dismissal on the grounds of unprofessional conduct. Please be advised that section 87734 does not preclude the initiation of such formal disciplinary proceedings for causes other than unprofessional conduct or unsatisfactory performance.

This formal notice is not exhaustive and designed to provide you with sufficient information to understand the nature of your unprofessional conduct and unsatisfactory performance. The following specific examples are offered to illustrate some specific instances of your behavior as to provide you with an opportunity to correct these faults and overcome the grounds for charges based on unprofessional conduct, unsatisfactory performance and violation of KCCD Board Policy 3050.

Please be advised that the 90-day remedial period specified by Education Code section 87734 will take effect upon the date this notice is served upon you. Your unprofessional conduct and unsatisfactory performance is specifically described by the following events.

1. When the White Supremacist group "Hundred-Handers" vandalized Bakersfield College with stickers targeting vulnerable students, you disregarded the impact of this attack on the student and the campus community. You took issue with BC's characterization of the stickers as "hate speech" and "vandalism." On May 19, 2019, you authored an Op-Ed piece in the Bakersfield Californian. In the piece, you characterized the Hundred Handers as a "an anonymous conservative protest group that opposes immigration and other modern liberal agendas." You were critical of BC's characterization of the stickers and suggested that their content was protected by the First Amendment. You went further to suggest that certain terms like "Cultural Marxism" weren't "hate speech" but instead speech that challenges a dominant agenda on campus, i.e. the social justice movement. Attached to this Notice, as Exhibit 1, is a true and correct copy of the May 19, 2019, Community Voices piece describing your public response.

2. On November 19, 2019, you filed a complaint against your fellow colleagues Rosales and Bond with regard to violation of KCCD board policy. The complaint was investigated by a 3<sup>rd</sup> party investigator. The findings state “In all, the actions taken primarily by Garrett [...] were highly disrespectful to not only Rosales’ academic freedom, but to that of the whole faculty as well...they recklessly made serious and misleading allegations that now can’t be taken back.” Attached to this Notice, as Exhibit 2, is a true and correct copy of the October, 2020 Administrative Determination. conversation with college administration regarding the event restrictions.
3. On September 8, 2021, you attempted to violate campus COVID policies by circumventing standard event scheduling protocol and threatening your dean. You further mischaracterized your situation as an attempt to censor your event. Despite acknowledging that your guest speaker was only approved for a Zoom event, you accused the District of canceling your event after you unilaterally switched the event to face-to-face format, which would violate COVID policies. This allegation is demonstrably false. Attached to this Notice, as Exhibit 3, is a true and correct copy of your September 8, 2021 conversation with college administration regarding the event restrictions.
4. You repeatedly made demonstrably false and misleading claims to disrupt district and college work by submitting public accusations, frivolous complaints of misconduct without providing any factual basis as follows.
  - a. On April 20, 2022, you publicly falsely accused the college of violating the Education Code despite not producing evidentiary support. This allegation is demonstrably false. Attached to this Notice, as Exhibit 4, is a true and correct copy of your April 20, 2022 public comments to the Academic Senate.
  - b. On May 4, 2022, you publicly falsely accused the Equal Opportunity & Diversity Advisory Committee (EODAC) co-chairs of convening "secret meetings." This allegation is demonstrably false. Attached to this Notice, as Exhibit 5, is a true and correct copy of your May 4, 2022 public comments to the Academic Senate.
  - c. On September 7, 2022, you falsely alleged that the EODAC "has been consistently staffed by the administration with faculty who hold one particular point of view." This allegation is demonstrably false. Attached to this Notice, as Exhibit 6, is a true and correct copy of your September 7, 2022 public comments to the Academic Senate.
5. On October 12, 2022, Andrea Thorson sent an email to several District employees expressing dismay at the recent events at an EODAC meeting, a committee that she co-chairs. You replied to all recipients, “I am horrified to see the faculty chair continue that attack [on

Ximena da Silva] in email.” You continued, “I believe the committee chair owes the distinguished representative from chemistry an apology.” These claims are demonstrably false. Attached to this Notice, as Exhibit 7, is a true and correct copy of your October 12, 2022 email to Bakersfield faculty regarding the October 11, 2022, EODAC meeting.

6. On October 16, 2022, you sent an email to the Curriculum Committee intended to be your "Public Comment" regarding the Cesar E. Chavez Leadership Certificate and Landmarks in California courses. You made the following comments regarding these courses that many students and faculty at Bakersfield College desired:

- a. "[I]t is a high school field trip."
- b. "The course presents as openly partisan training for children."

Each of these allegations is demonstrably false. Attached to this Notice, as Exhibit 8, is a true and correct copy of your October 16, 2022 email to the Curriculum Committee.

7. On October 17, 2022, you submitted an EthicsPoint report regarding incidents from an October 11, 2022, EODAC meeting containing unsupported conclusions about fellow colleagues. Your report included the following examples of knowingly false comments:
  - a. "Individual African American employees (mostly women) continued to impugn Dr. da Silva's reputation with false claims that she said they could not think for themselves."
  - b. "Ms. Thorson also stoked racial undercurrents by referring to her love for an African American employee (Angela Craft) who retired several years ago."
  - c. "I do believe it underscores my concern that racial tensions did exist, and that African American employees snapped at Dr. da Silva in part for racial reasons, making the attack a form of racial harassment."
  - d. "I sense some of the classified staff have some insecurity that that they are projecting on Dr. da Silva in this effort to smear and win favor to discipline her."
  - e. "I believe Ms. Andrea Thorson has been key in manipulating and creating the crisis." You added, "I would suspect but cannot prove that Ms. Andrea Thorson helped the classified staff make their Board remarks because (a) Ms. Andrea Thorson specializes in rhetoric, (b) she despises myself and others who she sees as political advisories, and (c) the Board remarks were more articulate than the during committee comments, particularly in the case of Ms. Elizondo."

You pointed the investigation to Andrea Thorson, without any substantive evidence. Additionally, you diminished classified employees' ability to be "articulate" before a committee. These allegations are demonstrably false. Attached to this Notice, as Exhibit 9, is a true and correct copy of your October 17, 2022, EthicsPoint Report 456.

8. In your EthicsPoint Report #457, on October 17, 2022, you made a demonstrably false and misleading complaint demanding an investigation against another faculty member without any substantive evidence of wrongdoing. You alleged without evidence, that the faculty member being concerned about racism on campus is "racial harassment" towards you. Attached to this Notice, as Exhibit 10, is a true and correct copy of your October 17, 2022, EthicsPoint Report 457.
9. On October 19, 2022, you sent an email to the Bakersfield College faculty making several false allegations and implications. You alleged that members of the Curriculum Committee "have worked to intimidate others to ensure they get the right votes. We also saw the administration secretly withholding public comments from the committee members until community members demanded the Trustees intervene; the administration is preparing to violate Brown Act on three different accounts when they meet tomorrow to force through contested curriculum that in all truth deserves a much more robust conversation but, according to the COR, the chancellor wants it STAT, and anyone who questions may also find their names smeared in the newspaper." You alleged, "[T]he administration is preparing to violate Brown Act on three different accounts." This allegation is demonstrably false. Attached to this Notice, as Exhibit 11, is a true and correct copy of your October 19, 2022, email to Bakersfield College faculty.
10. From November 2019 to October 2022, you repeatedly filed frivolous complaints to the District; wasting District resources and aggrieving your colleagues for what the investigations uniformly found to be baseless allegations. These amounted to 36 complaints filed via Ethics Points or email resulting in 23 complaints requiring a 3<sup>rd</sup> party investigation. Each of the 36 were found to be baseless complaints. Attached to this Notice, as Exhibit 12, is a true and correct copy of a list of your complaints from November 2019 to October 2022.
11. The District received several student complaints caused by your conduct during an EODAC meeting.<sup>1</sup>
  - a. HT: "As an African American student, I felt that our safety and education here on campus was not important to a few people inside of the room. I also felt that if I went to register for any of those professors' classes that I would fail in the classes because

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<sup>1</sup> The students' full names are removed to protect confidentiality. You may refer to the Confidential Student Identity Key to determine the full names. (See Confidential Student Identity Key.)

of the color of my skin.” Attached to this Notice, as Exhibit 13, is a true and correct copy of HT's October 19, 2022, comments regarding the EODAC meeting.

- b. AB: After hearing Professor Catherine Jones telling Professor Matt Garrett, “why the fuck are they coming in here?” the student wrote: “It made me feel like we weren’t supposed to be in that meeting. It was eye opening to see and hear something like that at this meeting, I just hope that our colored students don’t have to experience something like this in other places.” Attached to this Notice, as Exhibit 14, is a true and correct copy of AB's October 19, 2022, comments regarding the EODAC meeting.
- c. JD: “Professor Matt Garrett... went as far as to insult Dr. Parks and her way of teaching... While he was saying this, I felt as mixture of confusion and concern. Confusion due to the fact that the results say students are not happy, students of color are not feeling safe. This task force can help them and he is fighting it? I can’t believe it!” The student added, “In the end, I did not feel safe in that room. Even though nothing was said towards me directly, the feeling I was getting was enough. Something needs to be done. People like that cannot be left to make decisions for students.” Attached to this Notice, as Exhibit 15, is a true and correct copy of JD's October 19, 2022, comments regarding the EODAC meeting.

Each of these student comments demonstrate the very real harm you are causing to Bakersfield College students.

- 12. From December 3, 2019, to October 19, 2022, you made demonstrably false and misleading claims inciting distrust within the community that we serve by accusing the college, District, and your fellow colleagues of misconduct. On Terry Maxwell's Radio Show, you:
  - a. Claimed Bakersfield College funds "fake news" websites;
  - b. Claimed that sociology, ethnic studies, anthropology are producing bad information and poor narratives grounded in history;
  - c. Claimed that diversity trainings are just ways to figure out how to legally discriminate;
  - d. Compared the conditions at Bakersfield College to "how the Nazis got started";
  - e. Claimed that Bakersfield College staff are trying to quiet you;
  - f. Claimed Bakersfield College pays students to write propaganda pieces;
  - g. Claimed that Bakersfield College has "racial preferences in hiring."

Each of these claims is demonstrably false. Attached to this Notice, as Exhibit 16, is a true and correct copy of summarized statements you made on the Terry Maxwell Show.

13. You repeatedly failed, as the Faculty Lead for the Renegade Institute for Liberty, to restrict baseless attacks on the District and your colleagues on RIFL's social media. For example, you allowed the following to be posted:

- a. "In this case the state (BC) is organizing a student racial group and giving special perks to that one racial group."
- b. "The chronic mismanagement of Measure J expenditures is a consistent embarrassment."
- c. "Bakersfield College isn't the only school to pay student activists."
- d. "BC Curriculum Committee approved giving away participation certificates (trophies)."

Each of these allegations is demonstrably false. Attached to this Notice, as Exhibit 17, is a true and correct copy of RIFL's social media posts from October 2022.

14. You repeatedly published baseless accusations against the college and your fellow colleagues on your social media account. For example:

- a. On or about June 28, 2021, you made the following public accusations against the college in your social media accounts
  - i. "The college threatened discipline if I didn't stop requesting records and criticizing social justice expenditures. They then escalated by threatening to terminate me. As a public institution their financials should be open to public criticism. The administration's attempt to silence that discussion with threats of termination is illegal." Attached to this Notice, as Exhibit 18, is a true and correct copy of your social media posts on from June, 2021.
- b. On or about February 14, 2022, you made the following public accusations against the college on your social media account:
  - i. "Bakersfield College paid for a UFW propaganda page to write a hit piece calling me something horrible."
  - ii. "I made public the otherwise unnoticed practice of BC funneling money to the UFW propaganda page."
  - iii. "The BC admin also attempted to block my teaching duties and even leaked my social security number."

Each of these allegations is demonstrably false. Attached to this Notice, as Exhibit 19, is a true and correct copy of your social media posts from February 2022.

15. As Faculty Lead for the Renegade Institute for Liberty, you failed to ensure that your chosen group name does not infringe on anyone's intellectual property. On May 20, 2019, the

District received a Cease and Desist letter, forcing you to change your name. Attached to this Notice, as Exhibit 20, is a true and correct copy of the demand letter against your group.

As indicated above, your conduct as an employee of the Kern Community College District has been unprofessional and your performance has been unsatisfactory. Your abuse of the EthicsPoint Incident Management System, as stated above, wasted college and District resources and diminished the value of the District's reporting system. Your public, baseless accusations against the college and District, your fellow colleagues, and our students demeaned, demoralized, and disrespected this community. Importantly, you caused students to feel unwelcome and unsafe by belittling the community's valid concerns.

Your accusations of impropriety devalued the college and District's standing among its peers. These actions demonstrated a lack of professional judgment by making your accusations loudly and improperly, instead of determining the proper channels for grievances. Consequently, your public accusations invited outrage from your colleagues and the community at large. Your pursuit of notoriety devolved sincere efforts by the District and the community to create an environment where students can thrive to an environment of hostility and anger.

Your repeated, ceaseless, demonstrably false claims against employees serving with you on committees has caused many employees to cease their committee work for fear of being singled out for similar treatment. Your attacks on the Curriculum Committee, its members, and its important work, meant that many pieces of curriculum were in danger of not being approved. This includes the courses needed to support the college's application for the Baccalaureate of Science, Police Science.

Your actions were unprofessional, your performance has been unsatisfactory resulting in a violation of Kern Community College District Board Policy 3050 and KCCCD and CCA Bargaining Agreement. Your actions showed disrespect for your students, colleagues, and the District.

In an effort to assist you in overcoming these deficiencies, you will comply with each of the following directives:

- A. You will comply with all lawful directives of your supervisors and all administrators. You will not substitute your own judgment for the judgment of your supervisor or other administrators.
- B. You will comply with all Board Policies and Administrative Procedures.
- C. You will use District resources to further the interests of the college and District only.
- D. You will perform your duties with the civility and good faith effort expected from all public

employees.

- E. You will address grievances and complaints to appropriate college administrators.
- F. You will cease using the District's email listserv to further your personal agenda.
- G. You are being removed from the Equal Opportunity and Diversity Advisory Committee (EODAC), effective immediately. It is my earnest hope that you will reflect on your behavior and its impact on your fellow colleagues.

The Administration is willing to assist you in overcoming these deficiencies. However, please be advised that the undersigned insists that you correct these deficiencies immediately. Your failure to do so may result in your dismissal in accordance with the provisions of the Education Code.

Finally, please note that the undersigned reserves the right to proceed with the dismissal action prior to the expiration of the periods described in Education Code section 87734 in connection with any incidents of misconduct which may be considered other than unsatisfactory performance or unprofessional conduct.

Pursuant to Education Code section 87031, a copy of this notice will be placed in your personnel file. You have the right to prepare a written response to this Notice within 10 working days following receipt. Any response or comment will be attached hereto prior to placement in your file.

Also enclosed is a copy of Education Code section 87734 as well as a copy of your last performance evaluation, Exhibit 21, dated Spring 2020.

Sincerely,



Richard McCrow  
Dean of Instruction

Enclosures: Board Policy [3050]  
Education Code Sections 87732 and 87734  
Confidential Student Identity Key

Exhibit 1 - 10-19-2019 Garrett Community Voices  
Exhibit 2 - 10-9-2020 Administrative Determination  
Exhibit 3 - 09-08-2021 Garrett to McCrow Re Zoom Event Switch

Exhibit 4 - 04-20-2022 Garrett to Academic Senate Re Ed Code 10 1  
Exhibit 5 - 05-04-2022 Garrett Academic Senate Comments Re EODAC Meetings  
Exhibit 6 - 09-07-2022 Garrett to Academic Senate Re Committee Assignments  
Exhibit 7 - 10-11-2022 Garrett Email to Faculty  
Exhibit 8 - 10-16-2022 Garrett to BC Curriculum Committee  
Exhibit 9 - 10-17-2022 Garrett Ethics Point Report 456  
Exhibit 10 - 10-17-2022 Garrett Ethics Point Report 457  
Exhibit 11 - 10-19-2022 Garrett email to faculty  
Exhibit 12 - Garrett Complaint Log  
Exhibit 13 - 10-19-2022 HT Re EODAC  
Exhibit 14 - 10-19-2022 AB Re EODAC  
Exhibit 15- 10-19-2022 JD Re EODAC  
Exhibit 16 - 12-3-2019 to 10-19-22 Garrett Statements on Terry Maxwell Radio  
Exhibit 17 - 10-00-2022 RIFL Social Media Posts  
Exhibit 18 - 6-28-2021 Garrett Social Media Post  
Exhibit 19 - 2-14-2022 Garrett Social Media Post  
Exhibit 20 - 5-20-2019 Demand letter  
Exhibit 21 - Spring 2020 Faculty Evaluation

cc: Zav Dadabhoy, Ph.D., President  
Billie Jo Rice, VP Instruction  
Personnel file